






## **Remarks**


Claims 56, 58-62, 65-67, 69-76, 78-81, 84-86, and 88-102 are currently pending in the application. Claims 56, 58-62, 65, 67, 69-71, 73-76, 78-81, 84, 86, 88-90, 92-95, 97, and 98 currently stand rejected. Claims 72, 91, 96, and 99-102 are allowed. Claim 66 is objected to. Claims 56, 72, 74, 76, 93, and 96 are amended.

### **1. Interview**

Applicant would like to thank Examiner Canella for the productive telephonic interview on March 5, 2009. During the interview Applicant highlighted differences between the instant claims and the art cited in the Office Action. Applicant and Examiner also discussed the meaning of the “squiggly” bond used in the instant claims and in U.S. Pat. No. 6,660,714 (the ‘714 patent).

In particular, Applicant explained that the squiggly bond “” in the claims of the ‘714 patent indicates a single carbon-carbon bond with ambiguous stereochemistry. The same meaning applies to the instant claims, wherein the squiggly bond designates

that the  group lies behind or in front of the plane of the paper. Applicant and Examiner discussed that a “” bond is used throughout the instant application to indicate ambiguous stereochemistry. For example, the attachment of an n-alkyl glycosidic moiety with a “” bond is used to indicate alpha or beta anomeric attachment of the glycan to an amino acid residue (see for example, page 10, lines 5-10 and page 11, lines 19-20 of the application as filed). Applicant explained to the Examiner that there is nothing in the ‘714 patent or the instant application to suggest that a “” bond can be anything other than a single carbon-carbon bond.

Applicant further explained that because a “” bond represents a single carbon-carbon bond, the instant claims require at least two carbon atoms between the carbohydrate domain and the peptide backbone. Applicant and Examiner discussed that the ‘714 patent claims glycopeptides with only a single carbon atom between the carbohydrate domain and the peptide backbone.

**2. Double Patenting Rejections**

The Examiner maintains a rejection of claims 56, 58-62, 65, 69-71, 73-76, 78-81, 84, 86, 88-90, 92-95, 97, and 98 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of U.S. Patent 7,160,856, and a rejection of claims 56, 58-62, 65, 67, 69-71, 73-76, 78-81, 84, 86, 88-90, 92-95, 97, and 98 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of the '714 patent.

As discussed in the Interview on March 5, 2009, the '714 and '856 patents claim glycopeptides that have only one carbon atom between the carbohydrate domain and the peptide backbone. The instant claims require at least two carbon atoms between the carbohydrate domain and the peptide backbone. Therefore, the claims of the '714 and '856 patents cannot anticipate the instantly claimed glycopeptides. Applicant respectfully requests that the rejection be removed.

**3. Rejections under 35 U.S.C. § 102(e)**

Claims 56, 58-62, 65, 67, 69-71, 73-76, 78-81, 84, 86, 88-90, 92-95, 97, and 98 currently stand rejected under 35 U.S.C. § 102(e), as being anticipated by the '714 patent. Applicant has previously submitted a Declaration under 37 C.F.R. § 1.132 that any invention described in the '714 patent was derived from the inventors of the instant application and it was therefore not invented "by another."

In view of these Remarks, it is Applicant's understanding that the arguments presented in the previous Responses (filed October 27, 2008 and April 18, 2008) along with the Interview on March 5, 2009 remove all outstanding rejections. Favorable consideration and allowance are therefore earnestly solicited.

**4. Miscellaneous amendments**

Applicant amends herewith claims 56, 72, 74, 76, 93, and 96 to correct typographical errors.

Please charge any fees that may be required for the processing of this Response, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

/C. Hunter Baker/  
C. Hunter Baker, MD, PhD, JD  
Registration Number: 46,533

Choate, Hall & Stewart LLP  
Two International Place  
Boston, MA 02110  
t (617) 248-5215  
f (617) 502-5002  
chb@choate.com  
Date: March 19, 2009